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**FILED**

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JUN - 2 2009

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RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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MICHAEL L. BUESGENS, et al.,  
Plaintiff,

No. CV 09-80109 MISC

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v.  
BEVERLY HART, et al.,  
Defendants.**ORDER DENYING LEAVE TO FILE**

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On May 20, 2009, plaintiff Michael Buesgens attempted to file a complaint in this Court. Plaintiff is subject to a court order that restricts his right to file actions in any federal court. The Order was issued by the United States District Court for the Western District of Texas. See Buesgens v. Travis County, Texas, Case No. A-07-CA-427, Docket No. 4 ("the Texas pre-filing order"). The court must give the Texas pre-filing order "full force and effect. . ." Lapin v. Shulton, Inc., 333 F.2d 169, 172 (9th Cir. 1964).

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Plaintiff has recently attempted to file two other cases in this court; on both occasions leave to file was denied. See Buesgens v. Hart, Case No. 08-5710 MMC and Buesgens v. Hart, 09-80039 MISC. On May 20, 2009, plaintiff attempted to file this action in this Court. On its face the case appears somewhat different from the two earlier actions in that it involves different defendants and conduct that occurred after the two earlier actions were dismissed. Nonetheless, the Court must DENY plaintiff leave to file the complaint.

1       First, the complaint purports to be brought on behalf of three plaintiffs: Michael.  
2       Buesgens, Arlene M. Martinez, and Nancy Walraven. However, only plaintiff Buesgens  
3       signed the complaint. As a non-attorney he may not represent the other two plaintiffs.

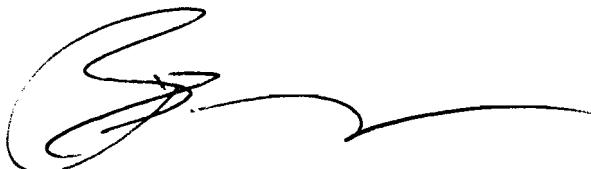
4       Second, on the civil cover sheet completed by plaintiff Buesgens he purports to bring  
5       this lawsuit as a class action. Again, as a non-attorney plaintiff may not prosecute this  
6       lawsuit as a class action.

7       Accordingly, plaintiffs are not granted leave to file the instant complaint.  
8       If plaintiff wishes to file any further complaints in this district, he must simultaneously  
9       submit:

- 10      1.       A copy of the pre-filing order issued June 21, 2007 by Judge Sparks in  
11            Buesgens v. Travis County, Texas, Case No. A-07-CA-427 (Western District  
12            of Texas); and
- 13      2.       A copy of the pre-filing order issued February 26, 2009 in this district by Judge  
14            Chesney, Buesgens v. Beverly Hart, Case No. 08-5710 MMC; and
- 15      3.       A copy of the order denying plaintiff's application for leave to file in Buesgens  
16            v. Hart, 09-80039 MISC; and
- 17      4.       A copy of this Order.

18       **IT IS SO ORDERED.**

19       Dated: May 29, 2009



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21            CHARLES R. BREYER  
22            UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L. BUESGENS, et al.,

Case Number: CV-09-80109 MISC

Plaintiffs,

**CERTIFICATE OF SERVICE**

v.

BEVERLY HART, et al.,

Defendants.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 2, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael L. Buesgens  
116 12<sup>th</sup> Street #B  
Fortuna, CA 95540

Arlene M. Martinez  
4767 Kavanagh Avenue  
Fresno, CA 93705

Nancy Walraven  
2043 West Dartmouth  
Mesa, AZ 85201

Dated: June 2, 2009

Richard W. Wiking, Clerk

  
By: Barbara Espinoza, Deputy Clerk